

Naoya WADA et al.
AMENDMENT dated April 6, 2010

AMENDMENTS TO THE DRAWINGS

In the Office Action, the drawings are objected to as failing to comply with 37 C.F.R. §1.83.

Figures 1, 2, 8-9, and 22-24 are corrected.

Attachments: Replacement Sheets

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REMARKS

Claims 1-33 are pending. Claims 31-33 are withdrawn due to a previous Restriction Requirement. Claims 1, 17, 18, 21 and 23 are canceled, and claims 34-54 are added herein. Accordingly, claims 2-16, 19, 20, 22, 24-30, and 34-54 are at issue.

The objections to the drawings are addressed by amendment to claim 3 and corrected drawings filed herewith. More particularly, claim 3 is amended to call for the spiral traversing member to be provided “on” an inner wall of the shredder main body instead of “in” the inner wall of the shredder main body. As can be seen in Fig. 7, the spiral traversing members 14 are provided on the arcuate inner surfaces of the curved walls of the lower case 11. Claim 21 is canceled so as to moot the objection to the drawings based on the subject matter of claim 21. Corrected drawings are provided for Figs. 1, 2, 8, and 9 to schematically illustrate a control device for the drivers 5 and 6 of the respective rotational shafts 2 and 3, and thus the schematically illustrated control device is believed to add no new matter to the subject application. In addition, corrected drawings for Figs. 22-24 are filed herewith to include the legend - - Prior Art - - thereon.

Claims 1-30 stand rejected under 35 U.S.C. §112, second paragraph, as indefinite.

The instances of indefiniteness noted in the Action are addressed by claim amendments herein. Further, the claims are amended for clarification purposes to address the grammatical and idiomatic errors as requested in the Action. Accordingly, it is believed the indefiniteness rejection is overcome and ought to be removed.

Claims 1, 10, 11, and 13 stand rejected under 35 U.S.C. §102(b) as anticipated by either U.S. Patent No. 6,149,083 to McFarland, U.S. Patent No. 5,381,730 to Kim, U.S. Patent No. 4,284,247 to Eriksson, U.S. Patent No. 4,607,797 to Enikolopow et al., or U.S. Patent No. 4,839,193 to Mange et al. Claim 2 stands rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,156,872 to Lee. Claims 3-6 stand rejected 35 U.S.C. §103(a) as unpatentable over either McFarland, Kim or Eriksson, and further in view of either U.S. Patent No. 4,691,871 to Mochizuki or U.S. Patent No. 2,671,646 to Lindsey. Claims 7-9 stand rejected under 35 U.S.C. §103(a) as unpatentable over either McFarland, Kim or

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Eriksson and further in view of U.S. Patent No. 4,903,903 to Benn. Claims 12 and 14 stand rejected under 35 U.S.C. §103(a) as unpatentable over either McFarland, Kim or Eriksson. Claims 15-19 and 20-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over either Enikolopow et al. or Mange et al. in view of U.S. Patent No. 5,683,044 to Gueldenpfenning et al.

The rejections, as they may apply to the claims presented herein, are respectfully traversed.

Dependent claim 3 is rewritten in independent form to recite the limitations of canceled independent claim 1. In this regard, claim 3 is directed to a shredding machine including a plurality of rotational shafts extending in parallel in a longitudinal direction and supporting cutting blades, a throw-in port provided in an upper portion of the shredder main body, and a discharge port provided in a lower portion of the shredder main body. The discharge port is disposed so as to be offset in the longitudinal direction of the rotational shafts with respect to the throw-in port so that the shredable object is scraped up from the lower portion to the upper portion while traveling downstream from a throw-in port side to a discharge port side to crush the shredable object several times before discharging of portions of the crushed object through the discharge port. Claim 3 further requires a spiral traversing member be provided on an inner wall of the shredder main body with the spiral traversing member being configured to assist in causing the object to travel upwardly and downstream in the longitudinal direction as the object is being crushed. None of the relied upon art discloses or suggests the recited spiral traversing member of amended claim 3.

More particularly, Mochizuki and Lindsey are relied upon for rejecting the subject matter of claim 3. In the Action, it is stated that the scraper 30 taught by McFarlene and the finger 41 taught by Lindsey correspond to the scrape-up member. However, claim 3 does not call for a scrape-up member, but instead recites a spiral traversing member that is provided on an inner wall of the shredder main body, and which is configured to assist in causing the object to travel upwardly and downstream in the longitudinal direction as the object is being crushed. Neither Mochizuki nor Lindsey disclose or suggest the recited spiral traversing

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member of amended claim 3. Accordingly, claim 3, and claims 2, 4, 7-16, 19, 20, 22, and 24-30 which depend cognately therefrom, are believed allowable over the relied upon art.

Dependent claim 5 is rewritten in independent form to recite the limitations of canceled independent claim 1. In this regard, claim 5 is directed to a shredding machine including a plurality of rotational shafts extending in parallel in a longitudinal direction and supporting cutting blades, a throw-in port provided in an upper portion of the shredder main body, and a discharge port provided in a lower portion of the shredder main body. The discharge port is disposed so as to be offset in the longitudinal direction of the rotational shafts with respect to the throw-in port so that the shredable object is scraped up from the lower portion to the upper portion while traveling downstream from a throw-in port side to a discharge port side to crush the shredable object several times before discharge of portions of the crushed object through the discharge port. Claim 5 further recites that in order to assist the shredable object in the downstream travel thereof from the throw-in port side to the discharge port side, a scrape-up member that protrudes from a tip end of the cutting blade is provided so as to rotate with the cutting blade. The scrape-up member is configured to assist in causing the shredable object to be scraped upwardly as the object is being crushed during the downstream travel thereof from the lower portion of the throw-in port side to the upper portion on the discharge port side. None of the relied upon art discloses or suggests the recited scrape-up member of amended claim 5.

Mochizuki teaches a scraper 30. However, the scrapers 30 are fixedly bolted to the opposite lateral frame members 7, as can be seen in Figs. 3 and 4. Thus, the scrapers 30 do not rotate with the cutters 12 on the rotational shafts 9 and 10. By contrast, claim 5 requires that the scrape-up member protrude from a tip end of the cutting blade and be provided so as to rotate with the cutting blade.

The apparatus for freezing and chilling confection mixtures disclosed by Lindsey has nothing to do with a shredding machine, and thus the fingers 41 taught by Lindsey are not configured for assisting in causing a shredable object to be scraped upwardly as that object is being crushed during downstream travel thereof, similar to the scrape-up member called for in amended claim 5. Further, since Lindsey has nothing to do with a shredding machine,

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Lindsey does not disclose cutting blades, let alone the scrape-up member of amended claim 5 that protrudes from a tip end of the cutting blade and which is provided to rotate with the cutting blade, as required in amended claim 5. Accordingly, it is believed claim 5, and claims 6 and 34-54 which depend cognately therefrom, are allowable over the relied upon art.

Based on the foregoing, reconsideration and allowance of claims 2-16, 19, 20, 22, 24-30, and 34-54, are respectfully requested.

It is calculated that a fee of \$416.00 is required for the claims added herein. The Commissioner is hereby authorized to charge this fee and any additional fees which may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,

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